



PATENT

Case Docket No. GNE.3230R1C39

Date: January 16, 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Eaton et al.
Appl. No. : 10/063,557
Filed : May 2, 2002
For : SECRETED AND
TRANSMEMBRANE
POLYPEPTIDES AND
NUCLEIC ACIDS ENCODING
THE SAME
Examiner : Unknown
Group Art Unit : 1646

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(Date)

AnneMarie Kaiser, Reg. No. 37,649

TRANSMITTAL LETTER

United States Patent and Trademark Office
P.O. Box 2327
Arlington, VA 22201

Dear Sir:

Enclosed for filing in the above-identified application are:

- (X) A Sequence Submission Statement.
- (X) A paper copy of Sequence Listing and diskette containing Sequence Listing in computer readable format.
- (X) A copy of the Notice to Comply.
- (X) Amendment.
- (X) The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Account No. 11-1410.
- (X) Return prepaid postcard.

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AOK/BGy

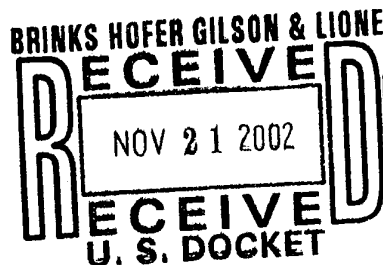
UNITED STATES
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P3230RIC39

Commissioner for Patents
Washington, DC 20231
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/063,557	05/02/2002	Dan L. Eaton	10466/332

28457

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CHICAGO, IL 60610

CONFIRMATION NO. 9770

FORMALITIES LETTER



OC00000009115241

Date Mailed: 11/18/2002

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCES DISCLOSURES

GENENTECH, INC.
LEGAL DEPT.

Filing Date Granted

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c) Applicant must provide an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

CALENDAR/DHW
Not to Comply
Jan 18, 2003 / Seq. Listing

DUE DATE

A copy of this notice MUST be returned with the reply.

Alma J

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY



ATTACHMENT

Notice of Improper Benefit Claims under 37 CFR 1.78

The benefit claims to prior-filed applications in the instant application are improper because (1) a clear indication of the relationship of the prior-filed nonprovisional applications as required by 37 CFR 1.78 has not been submitted; and/or (2) the nonprovisional application directly claiming the benefit of a provisional application was not filed within twelve months from the filing date of the provisional application.

To expedite the processing of the instant application, the Office has attempted to capture all of the benefit claims submitted by the applicant (shown as continuity data on the filing receipt). One way the Office does this is to use the continuity data as recorded in one of the prior-filed nonprovisional applications. Accordingly, the benefit claims as captured by the Office may not be correct. It should be noted that the capturing of any benefit claim by the Office does not make an otherwise improper benefit claim proper.

Applicant should review each benefit claim submitted and, if appropriate, provide the proper reference to the prior-filed applications as required by 37 CFR 1.78. For nonprovisional applications, the reference must include an indication of the relationship of the prior-filed applications. A proper relationship includes an identification of each nonprovisional application as a continuation, divisional or continuation-in-part application of the immediate prior-filed nonprovisional application for which a benefit is claimed under 37 CFR 1.78 in order to establish copendency throughout the entire chain of prior-filed applications. Any nonprovisional application that directly claims the benefit of a provisional application must be filed within 12 months from the filing date of the provisional application. The required reference must be included in an application data sheet (37 CFR 1.76), or the specification must contain, or be amended to contain, such reference in the first sentence following the title.

Applicant should file the required reference for each benefit claim within **TWO MONTHS** from the mail date of this notice. Failure to timely file the required reference may result in the application being examined with an incorrect benefit claim.

The Office's automated system to record and capture benefit claims is only capable of recording benefit claims for 400 prior-filed applications. Therefore, the Office is unable to generate a filing receipt containing benefit claims for more than 400 prior-filed applications even though applicant is entitled to submit benefit claims for more than 400 prior-filed applications. Accordingly, applicant should not request a corrected filing receipt to include: (1) a benefit claim prior to a proper reference under 37 CFR 1.78 being submitted; or (2) benefit claims for more than 400 prior-filed applications.

Any new benefit claim must be made within the time period set forth in 37 CFR 1.78, unless the benefit claim is accompanied by a grantable petition to accept an unintentionally delayed benefit claim under 37 CFR 1.78.



**ATTACHMENT TO "NOTICE TO COMPLY WITH
REQUIREMENTS...SEQUENCE DISCLOSURES"**

Any reply including a sequence listing in electronic form should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office, and instead should be submitted using one of the following methods:

1. Electronically submitted through EFS-Bio
(<http://www.uspto.gov/ebs/efs/downloads/documents.htm>, EFS Submission User Manual - ePAVE)
2. Mailed to:
U.S. Patent and Trademark Office
Box Sequence, P.O. Box 2327
Arlington, VA 22202
3. Mailed by Federal Express, United Parcel Service or other delivery service to:
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Arlington, Virginia 22202
4. Hand Carried directly to the Customer Window at:
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